

IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS  
WICHITA FALLS DIVISION

IN RE:

ROBERT WAYNE LINDSAY  
LISA MICHELLE LINDSAY

CASE NO: 08-70175-HDH-13  
HEARING DATE: 2/18/2009  
HEARING TIME: 11:00 AM

**TRUSTEE'S RECOMMENDATION CONCERNING CLAIMS, OBJECTION TO CLAIMS AND  
PLAN MODIFICATION (if required)**

NOW COMES Walter O'Cheskey, Chapter 13 Trustee, and files this Proposed Trustee's Recommendation Concerning Claims and Plan Modification (if required) in accordance with Bankruptcy Rule 3007 and General Order 2006-08 and would respectively show unto to the Court as follows:

**I.**

**OBJECTION -- NO PROOF OF CLAIM FILED**

The following creditors were scheduled by the Debtor(s). No Proof of Claim has been filed by them or on their behalf, as required by Bankruptcy Rule 3002(a). The bar date for filing claims pursuant to Bankruptcy Rule 3002(c) has passed. Therefore the claims should be DISALLOWED.

Trustee Clm#	Creditor Name	Scheduled Amount	Trustee Clm#	Creditor Name	Scheduled Amount
015 0 U	BILL ME LATER	\$888.35	016 0 U	CAPITAL ONE	\$1,753.00
021 0 U	CRYOVAC FEDERAL CREDIT UNION	\$695.00	035 0 U	HSBC	\$867.00

**II.**

**SPECIFIC OBJECTIONS**

No Objections

**III.**

**TRUSTEE'S RECOMMENDATIONS CONCERNING ALLOWED CLAIMS**

The Trustee hereby recommends the ALLOWANCE of the following claims for the amount and in the class as listed below.

Trustee Claim #	Creditor	Collateral / Description	Claim Amount	Value	%	Term	Paid / Treated
<b><u>SECURED CREDITORS</u></b>							
008 0 *	CAPITAL ONE AUTO FINANCE	06 SONATA	\$23,854.08	\$23,854.08	9.92%	60	\$509.84 PAID BY TRUSTEE
009 0 *	CAPITAL ONE AUTO FINANCE	2005 DODGE STRATUS	\$11,514.20	\$11,514.20	9.94%	60	\$239.87 PAID BY TRUSTEE
010 0	GMAC	2007 CHEVY IMPALA	\$25,620.62	\$28,200.00			PD DIRECT BY DEBTOR
012 0	WASHINGTON MUTUAL HOME LOAN	MORTGAGE	\$0.00	\$149,361.00			PD DIRECT BY DEBTOR
013 0	WICHITA COUNTY TAX ASSESSOR	08 PROPERTY TAXES	\$0.00	\$149,361.00			PD DIRECT BY DEBTOR
017 0 *	CHASE BANK USA NA	PURCHASES/CIRCUIT CITY	\$1,620.03	\$601.21	8.00%	60	\$14.80 PAID BY TRUSTEE
Provided unsecured in confirmed plan. Claim filed secured. See Modification Below.							

**UNSECURED GENERAL CREDITORS**

Trustee Clm#	Creditor Name	Claim Amount	Trustee Clm#	Creditor Name	Claim Amount
014 0 U	ECAST SETTLEMENT CORPORATION	\$304.94	017 1 U	CHASE BANK USA NA	\$1,018.82
	PURCHASES/AMERICAN EAGLE			SPLIT CLAIM/PURCHASES-CIRCUIT CITY	
018 0 U	ECAST SETTLEMENT CORPORATION	\$1,883.20	019 0 U	RESURGENT CAPITAL SERVICES	\$766.97
	PURCHASES/HOME DEPOT/CHASE			PURCHASES/CITIBANK	
020 0 U	CRYOVAC FEDERAL CREDIT UNION	\$1,437.05	022 0 U	DELL FINANCIAL SERVICES	\$4,377.11
	PURCHASES			PURCHASES	

023 0 U	ECAST SETTLEMENT CORPORATION PURCHASES/DIRECT MERCHANTS	\$2,849.80	024 0 U	ECAST SETTLEMENT CORPORATION PURCHASES/DIRECT MERCHANTS	\$1,377.98
025 0 U	GE CONSUMER FINANCE PURCHASES/DISCOUNT TIRES	\$194.36	026 0 U	ECAST SETTLEMENT CORPORATION PURCHASES/OLD NAVY	\$1,262.57
027 0 U	ECAST SETTLEMENT CORPORATION PURCHASES/OLD NAVY	\$587.67	028 0 U	ECAST SETTLEMENT CORPORATION PURCHASES/PAYPAL BUYER CREDIT	\$896.86
029 0 U	ECAST SETTLEMENT CORPORATION PURCHASES/SAMS	\$1,194.32	030 0 U	ECAST SETTLEMENT CORPORATION PURCHASES/WALMART	\$3,117.80
031 0 U	ECAST SETTLEMENT CORPORATION PURCHASES/WALMART	\$2,884.54	032 0 U	ECAST SETTLEMENT CORPORATION PURCHASES/HOUSHOLD	\$3,366.54
033 0 U	ECAST SETTLEMENT CORPORATION PURCHASES/GM CARD/HSBC	\$4,058.69	034 0 U	ECAST SETTLEMENT CORPORATION PURCHASES/GM CARD/HSBC	\$954.94
036 0 U	ECAST SETTLEMENT CORPORATION PURCHASES/GEMB JC PENNEY	\$754.21	038 0 U	ECAST SETTLEMENT CORPORATION PURCHASES/JC PENNEY GEMB	\$481.01
039 0 U	CHASE BANK USA NA PURCHASES/CHASE-KOHL'S	\$589.42	040 0 U	ECAST SETTLEMENT CORPORATION PURCHASES/LOWES	\$947.49
041 0 U	ECAST SETTLEMENT CORPORATION PURCHASES/ORCHARD/HSBC	\$5,467.78	042 0 U	PHARIA LLC PURCHASES	\$2,471.15
043 0 U	ROUNDUP FUNDING LLC PURCHASES	\$1,098.44	067 0 U *	ECAST SETTLEMENT CORPORATION PURCHASES/HOME DEPOT	\$1,442.82

Not provided for in confirmed plan.

If the Trustee's recommendation concerning any claim differs from the amount indicated in a creditor's Proof of Claim, the recommendation is deemed an objection to such claim. Unless a timely response or objection is filed contesting the Trustee's recommendation, the objection will be sustained and such claim will be allowed only in the amount and in the class indicated.

Any proposed changes by the Debtor that extends the term or lowers the interest rate as to any secured claim contained in the confirmed Plan must be set out in a Debtor's Objection or Response to the Trustee's Recommendation Concerning Claims and noticed to the affected creditor in the absence of a letter agreement between the Debtor and the affected creditor.

#### IV.

#### **TRUSTEE'S PLAN MODIFICATION**

Pursuant to 11 U.S.C. Section 1329, and in accordance with General Order 2006-08 Section 8, the Trustee requests the following Modification of Debtor's(s') Confirmed Plan, subject to feasibility herein:

Trustee's Modification is as follows:

Chase Bank USA is allowed a secured claim for \$1,620.03 with a value of \$601.21 and will be paid 8% interest over the remaining 60 months with a payment of \$14.80.

Debtor shall pay 5 payments of \$1,649.00 beginning 6/8/2008. Then Debtor shall pay 4 payments of \$840.00 beginning 11/8/2008. Then Debtor shall pay 51 payments of \$850.00 beginning 3/8/2009 for a total of \$54,955.00.

/s/ Walter O'Cheskey

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Walter O'Cheskey  
Chapter 13 Trustee

IF AN OBJECTION IS FILED, A HEARING WILL BE HELD 2/18/2009 AT 11:00 AM CONCERNING THE TRUSTEE'S RECOMMENDATION CONCERNING CLAIMS, OBJECTION TO CLAIMS AND PLAN MODIFICATION (IF REQUIRED) (TRCC) AT THE FOLLOWING LOCATION:

LIVE: US COURTHOUSE ROOM 222, 10TH & LAMAR STREETS, WICHITA FALLS, TEXAS 76301

A PRE-HEARING CONFERENCE WITH THE TRUSTEE SHALL BE HELD AT THE SAME LOCATION AT 08:30 AM. ALL PARTIES ARE REQUIRED TO ATTEND THE PREHEARING CONFERENCE. ANY OBJECTIONS TO THE PLEADINGS NOT RESOLVED OR DEFAULTED AT THE PRE-HEARING CONFERENCE WILL BE HEARD BY THE COURT AT THE HEARING DATE AND TIME ABOVE. TO BE CONSIDERED, ANY OBJECTION OR RESPONSE MUST BE MADE IN WRITING, SERVED ON ALL EFFECTED CREDITORS AND FILED WITH THE COURT WITHIN THIRTY (30) DAYS FROM THE DATE OF SERVICE.

PURSUANT TO GENERAL ORDER 2006-08 SECTION 8(C), UNLESS AN OBJECTION IS TIMELY FILED AS TO THE TREATMENT OF ANY CLAIM OR MODIFICATION, THE CLAIM OR MODIFICATION WILL BE ALLOWED OR APPROVED AS DESCRIBED IN THE TRCC AND SUCH TREATMENT WILL BE FINAL AND BINDING ON ALL PARTIES.

/s/ Walter O'Cheskey

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Walter O'Cheskey  
Chapter 13 Trustee

I hereby certify that a copy of the foregoing Trustee's Recommendation Concerning Claims, Objection to Claims and Plan Modification (if required) and Notice of Hearing and Pre-Hearing Conference on Trustee's Recommendation Concerning Claims, Objection to Claims and Plan Modification (if required) was this date served on the following parties electronically or at the addresses listed below by U.S. First Class mail:

Date: 12/17/2008

/s/ Walter O'Cheskey

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Walter O'Cheskey  
Chapter 13 Trustee

ASCENSION CAPITAL GROUP PO BOX 201347 ARLINGTON TX 76006  
BILL ME LATER PO BOX 2394 OMAHA NE 68103  
CAPITAL ONE AUTO FINANCE C/O ASCENSION CAPITAL GROUP PO BOX 201347 ARLINGTON TX 76006  
CAPITAL ONE AUTO FINANCE PO BOX 255605 SACRAMENTO CA 95865  
CAPITAL ONE C/O TSYS DEBT MANAGEMENT PO BOX 5155 NORCROSS GA 30091  
CHASE BANK USA NA C/O CREDITORS BANKRUPTCY SERVICE PO BOX 740933 DALLAS TX 75374  
CHASE BANK USA NA PO BOX 100018 KENNESAW GA 30156  
CHASE PO BOX 100019 KENNESAW GA 30156  
CITIBANK USA ATTN: CENTRALIZED BANKRUPTCY PO BOX 20507 KANSAS CITY MO 64195  
CITIGROUP MASTER CARD ATTN: BANKRUPTCY PO BOX 20507 KANSAS CITY MO 64195  
CRYOVAC FEDERAL CREDIT UNION 1309 W MAGNOLIA IOWA PARK TX 76367  
DELL FINANCIAL SERVICES 12234 N IH 35 AUSTIN TX 78753  
DELL FINANCIAL SERVICES C/O RESURGENT CAPITAL SERVICES PO BOX 10390 GREENVILLE SC 29603  
DIRECT MERCHANTS BANK PO BOX 5246 CAROL STREAM IL 60197  
ECAST SETTLEMENT CORPORATION PO BOX 35480 NEWARK NJ 07193  
GE CONSUMER FINANCE PO BOX 960061 ORLANDO FL 32896  
GE MONEY BANK ATTN: BANKRUPTCY DEPARTMENT PO BOX 103106 ROSWELL GA 30076  
GEMB PO BOX 103106 ROSWELL GA 30076  
GMAC 2740 ARTHUR ST SAINT PAUL MN 55113  
GMAC PO BOX 130424 ROSEVILLE MN 55113  
GMAC PO BOX 5055 TROY MI 48007  
HSBC ATTN: BANKRUPTCY DEPARTMENT PO BOX 5213 CAROL STREAM IL 60197  
INTERNAL REVENUE SERVICE PO BOX 21125 PHILADELPHIA PA 19114  
INTERNAL REVENUE SERVICE PO BOX 21126 PHILADELPHIA PA 19114  
INTERNAL REVENUE SERVICE SPECIAL PROCEDURES 1100 COMMERCE ST MC 5027DAL DALLAS TX 75248  
JC PENNEY PO BOX 103106 ROSWELL GA 30076  
JC PENNEY PO BOX 533 DALLAS TX 75221  
KOHLS PO BOX 3120 MILWAUKEE WI 53201  
LOWES MBGA PO BOX 103104 ROSWELL GA 30076  
MONTE J WHITE ATTORNEY AT LAW 1106 BROOK AVE HAMILTON PLACE WICHITA FALLS TX 76301  
PHARIA LLC C/O WEINSTEIN & RILEY PS PO BOX 3978 SEATTLE WA 98124  
RESURGENT ACQUISITION PO BOX 10587 GREENVILLE SC 29603  
RESURGENT CAPITAL SERVICES PO BOX 10587 GREENVILLE SC 29603  
ROBERT WAYNE LINDSAY & LISA MICHELLE LINDSAY 4934 TRINIDAD DR WICHITA FALLS TX 76310  
ROUNDUP FUNDING LLC PO BOX 91121 MS 550 SEATTLE WA 98111  
TARGET NATIONAL BANK C/O WEINSTEIN & RILEY PS 2001 WESTERN AVENUE STE 400 SEATTLE WA 98121  
TARGET NATIONAL BANK PO BOX 9475 MINNEAPOLIS MN 55440  
UNITED STATES ATTORNEY 801 CHERRY STREET UNIT 4 FT WORTH TX 76102  
US ATTORNEY ATTORNEY IN CHARGE 1100 COMMERCE 3RD FLOOR DALLAS TX 75242  
US ATTORNEY GENERAL 10TH ST & CONSTITUTION AVE WASHINGTON DC 20530  
WASHINGTON MUTUAL HOME LOAN PO BOX 78148 PHOENIX AZ 85062  
WICHITA COUNTY TAX ASSESSOR PO BOX 1471 WICHITA FALLS TX 76307  
WILLIAM T NEARY UNITED STATES TRUSTEE 1100 COMMERCE STREET RM 976 DALLAS TX 75242